

FILED

JUL 28 2022

ATTEST:

Del Hahn CLERK

July 25, 2022

SENT VIA REGULAR MAIL

Worcester County Superior Court
225 Main Street
Worcester, MA 01608

Re: **Valentin Komarovskiy vs. Celsius Network LLC**
Civil Action No.: 2285CV00701

61.

Dear Clerk of the Court:

We write on behalf of Celsius Network LLC ("Debtor"), the named defendant in the above-referenced matter.

Please be advised that on July 13, 2022, Celsius filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, bearing case number 22-10964-mg.

Attached herewith please find the applicable Notice of Bankruptcy Case Filing.

Upon the filing of a petition under 11 U.S.C. § 10 et seq. (the "Bankruptcy Code"), the automatic stay provisions of Bankruptcy Code Section 362(a) come into effect and prohibit, among other things, (i) the commencement or continuation of a judicial action or proceeding that was or could have been commenced before the bankruptcy filing, (ii) any act to recover a claim against the Debtor that arose before the commencement of the case, and/or (iii) any act to obtain possession of or to exercise control over property of the estate. Please be further advised that violations of the automatic stay provisions of the Bankruptcy Code are punishable by contempt, and may subject the violator to the payment of damages, including punitive damages.

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As a result of the Debtor's bankruptcy filing, the above-referenced action is automatically stayed pursuant to 11 U.S.C. § 362(a) and may not go forward. By copy of this letter, we are so advising the plaintiff(s) in the above-referenced action.

Debtor reserves all rights.

Thanks for your courtesy. If you have any questions, please do not hesitate to contact the Celsius Legal Department at legal@celsius.network.

Sincerely,

Celsius Legal Department

cc: Robert H. Bowen, Plaintiff's Attorney (via regular mail 50 Main Street, Lunenburg, MA 01462)

A true copy by photostatic process
Attest:
Asst. Clerk *e. Thibault*

7/14/22, 1:37 PM

New York Southern Live System

United States Bankruptcy Court
Southern District of New York

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 07/13/2022 at 8:10 PM and filed on 07/13/2022.

Celsius Network LLC
121 River Street
PH05
Hoboken, NJ 07030
Tax ID / EIN: 87-1192148



The case was filed by the debtor's attorney:

Joshua Sussberg
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

The case was assigned case number 22-10964-mg to Judge Martin Glenn.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.nysb.uscourts.gov> or at the Clerk's Office, One Bowling Green, New York, NY 10004-1408.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Vito Genna
Clerk, U.S. Bankruptcy Court

S

PACER Service Center
Transaction Receipt
07/14/2022 13:37:14


7/14/22, 1:37 PM

New York Southern Live System

PACER Login:	steven.knipfelberg	Client Code:	Research
Description:	Notice of Filing	Search Criteria:	22-10964-mg
Billable Pages:	1	Cost:	0.10

SUGGESTION OF BANKRUPTCY

📌 *Standard* / 👤 by Andrew Myers (<https://attorney-myers.com/author/andrewmyers/>) / 📅 June 9, 2013 / 💬 1
Comment (<https://attorney-myers.com/2013/06/suggestion-of-bankruptcy/#comments>)

 Bankruptcy Notice
(<http://localhost/wp-content/uploads/2013/06/Suggestion-of-Bankruptcy.jpg>)

Suggestion of Bankruptcy

A Suggestion of Bankruptcy is a document filed in court giving notice that one of the parties in a pending case has

filed bankruptcy. If the party is a defendant the filing stops the case by virtue of the automatic stay of bankruptcy. However the document can also be filed by plaintiffs, requiring the court to take notice.

SUGGESTION OF BANKRUPTCY REQUIREMENTS

The Suggestion of Bankruptcy includes the caption of the case, stating the names of all parties in the case, as well as the proper identification of the court and the docket number. Other items include the party's Bankruptcy Court case number and date of filing.

If filed on behalf of a defendant, the Suggestion of Bankruptcy includes a simple statement that the civil action in which the suggestion is being filed is founded on a claim that would be discharged.

Bankruptcy attorneys filing the Suggestion of Bankruptcy clearly indicate that the document is filed only for informational purposes, and does not constitute a notice of appearance by that attorney. This clarifies that the purpose of the document is as notice of the fact of the bankruptcy filing, but that the attorney is not in any manner now appearing for the party and is not drawn into the case in the other court.

NEXT

Auto

Insurance.

Understanding

Some

Basics.

(<https://attorney-myers.com/2013/insurance-understanding-some-basics/>)

PREVIOUS

Proximate

Cause:

Personal

Injury

Claim

Causation

◀ Requirement
(<https://attorney-myers.com/2013/cause-personal-injury-caus-requirement/>)



SUGGESTION OR ORDER?

The filing of a bankruptcy brings an order for relief, with full power of a federal injunction. It is automatic. The immediate effect stops all collection activity against the debtor including lawsuits.

Contrary to popular belief, attorneys do not "tell" courts what to do, but rather we usually present arguments. However in this case, the document "suggests" that the court's action has been stayed by operation of 11 U.S.C. § 362, the provision of the U.S. Bankruptcy Code creating the automatic stay.

NEED HELP?

Contact Attorney Myers today for a free consultation!

Schedule a

Consultation

(<http://localhost/contact>)

SUGGESTION OF BANKRUPTCY FILED AFTER BANKRUPTCY FILING.

Debtors sued by collection attorneys sometimes ask whether they can just file a suggestion of bankruptcy. Won't that make the collection attorney back off? The answer is no.

The Suggestion of Bankruptcy is filed after a bankruptcy filing, as notice of the filing. In one case a court found the filing of a Suggestion of Bankruptcy where a bankruptcy had never been filed a willful abuse of the judicial process. [In re: Hackney, Bankruptcy Court, M.D. Fla, 2007] Most collection attorneys have heard it all and are unlikely to back off under a promise or a stated intent to file later.

LEGAL PRECISION REQUIRED

Some jurisdictions call the document a "Notice" of Bankruptcy. Some courts don't accept the document, or have particular requirements as to other documents or information required simultaneously.

The above overview presents a summary of what attorneys can do to notify courts of the automatic stay of bankruptcy. Such documents and the bankruptcy filing itself should never be done by anyone other than experienced counsel in the jurisdiction. My office represents consumer bankruptcy clients in New Hampshire and Massachusetts.



Tags: [Bankruptcy \(https://attorney-myers.com/tag/bankruptcy/\)](https://attorney-myers.com/tag/bankruptcy/)

[bankruptcy basics \(https://attorney-myers.com/tag/bankruptcy-basics/\)](https://attorney-myers.com/tag/bankruptcy-basics/)

[chapter 13 \(https://attorney-myers.com/tag/chapter-13/\)](https://attorney-myers.com/tag/chapter-13/)

[Chapter 7 \(https://attorney-myers.com/tag/chapter-7/\)](https://attorney-myers.com/tag/chapter-7/)

[free initial consultation \(https://attorney-myers.com/tag/free-initial-consultation/\)](https://attorney-myers.com/tag/free-initial-consultation/)

[suggestion of bankruptcy \(https://attorney-myers.com/tag/suggestion-of-bankruptcy/\)](https://attorney-myers.com/tag/suggestion-of-bankruptcy/)

ONE THOUGHT ON “SUGGESTION OF BANKRUPTCY”



Kevin

October 20, 2019 at 8:39 am (<https://attorney-myers.com/2013/06/suggestion-of-bankruptcy/#comment-27423>)

What if the Federal Court House is closed, and you e-file suggestion of BK on a Friday or Sunday night.

Then when the Federal Court House opens you go down and file immediately?

Reply

LEAVE A REPLY

Your email address will not be published. Required fields are marked *

Comment *



9/19/22, 11:47 AM



Suggestion of Bankruptcy

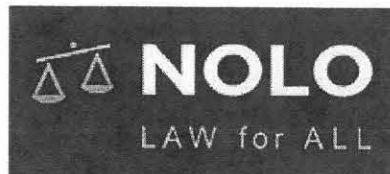
Name *

Email *

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 utm_campaign=avvo_review_badge&utm_content=1429228&utm_medium=avvo_badge&utm_source=avvo\)](http://www.avvo.com/attorneys/01845-ma-andrew-myers-1429228.html?utm_campaign=avvo_review_badge&utm_content=1429228&utm_medium=avvo_badge&utm_source=avvo)



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9/19/22, 11:47 AM

Suggestion of Bankruptcy

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Attorney Myers is a member of the American Trial Lawyers Association, Massachusetts Academy of Trial Lawyers, and New Hampshire Trial Lawyers Association. The Law Offices of Andrew D. Myers offer a broad range of legal services in personal injury cases in Massachusetts (MA) and New Hampshire (NH) areas.

The information on this web site is offered for informational purposes only. It is not offered as, and does not constitute, legal advice. Laws vary widely from state to state. You should rely only on the advice given to you during a personal consultation by a local attorney who is thoroughly familiar with state laws and the area of practice in which your concern lies. This web site must be labeled advertisement in some jurisdictions.

HOURS OF OPERATION

Monday - Friday
9:00 A.M. - 5:00 P.M.
Alternate Hours
Available by
Appointment

METHUEN OFFICE

126A Pleasant Valley
Street #11
Methuen, MA 01844
(978) 691-5453

DERRY OFFICE

4 Birch Street
Derry, NH 03038
(603) 437-2643

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bankruptcy?
(<https://attorney-myers.com/2021/05/debt-limit-for-bankruptcy/>)

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9/19/22, 11:47 AM

Suggestion of Bankruptcy

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